

**Montana Multi-Site Superfund Cooperative Agreement  
Support Agency Assistance  
Management Assistance Special Account Amendment Application  
V-96823301**

**February 5, 2016 – June 30, 2016**

Montana Department of Environmental Quality  
Remediation Division  
Helena Montana

For the  
U.S. Environmental Protection Agency  
Region VIII  
Denver, Colorado

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## **INTRODUCTION**

This Multi-Site Cooperative Agreement (MSCA) application amendment requests funding for the Montana Department of Environmental Quality (DEQ) Superfund Program for state participation in the federal Superfund Program authorized in the 1986 Superfund Amendment and Reauthorization Act (SARA). Starting in state fiscal year (SFY) 2013, the agencies agreed to request a separate grant for Management Assistance for bulk funded sites and a grant for special account sites. Activities proposed for funding in this MSCA application for special account funded sites include support agency assistance for federal-lead remedial actions at selected Montana National Priorities List (NPL) sites. This application will fund DEQ's site specific activities for Environmental Protection Agency (EPA) lead NPL sites in Montana for SFY 2016. This new grant will be the mechanism through Cooperative Agreement Amendments to provide special account-funded Management Assistance through June 30, 2016. This amendment is to add the proposed Frenchtown and Columbia Falls sites.

## **SUPPORT AGENCY ACTIVITIES**

The Remediation Division manages DEQ's Superfund mission through the Federal Superfund Construction Bureau and the Hazardous Waste Cleanup Bureau. Staff from both bureaus works on federal Superfund cleanup activities under the Core cooperative agreement, the Management Assistance Bulk Funding Multi Site Superfund Cooperative Agreement, the Management Assistance Special Account Multi Site Superfund Cooperative Agreement, and Technical Assistance Cooperative Agreements (TACA). DEQ will maintain a support agency role at EPA-lead sites where Special Account funding will be used for Anaconda Smelter, Burlington Northern (BN) Somers (not an NPL site but administered under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)), ACM Smelter and Refinery, Silver Bow Creek/Butte Area Operable Units (OU) including Butte Priority Soils, Butte Mine Flooding, Rocker and Warm Springs Ponds, East Helena Asarco Smelter, Idaho Pole, Libby Groundwater, Lockwood Solvent OU-1, Lockwood Solvent OU-2, and Milltown Reservoir/Clark Fork River, NPL sites, and with this amendment the Columbia Falls Aluminum Site and Frenchtown Smurfit-Stone site would be added.

At the Columbia Falls Aluminum Site and the Frenchtown Smurfit-Stone Site the EPA and the PRP groups at each site entered into Administrative Order on Consent (AOC) in December 2015. Site RI/FS activities will now increase and the DEQ level of effort on this project will also increase to assist EPA with the RI/FS activities. DEQ is now requesting site-specific funding for staff hours, travel expenses, and that cost recovery documentation may begin at the site in SFY 2016. The funding sources for the Columbia Falls Aluminum Site and the Frenchtown Smurfit-Stone Site will now convert from Bulk funding to a Special account funding source.

The intent of DEQ in this support agency role is to enhance progress at the sites by providing technical, legal, and managerial resources to the EPA, as well as by articulating issues of state concern, and promoting state and local involvement in the site remediation process.

## **STATEMENT OF WORK FOR SUPPORT AGENCY ACTIVITIES**

Support agency activities fall within in the following four general components. These represent a set of general commitments that may be appropriate at each site depending on the activities and

requirements associated with a particular site. Site-specific narratives describe commitments for each site.

#### Support Agency Components

- A. Remedial Investigation/Feasibility Study (RI/FS) or Engineering Evaluation/Cost Analysis (EE/CA) including Proposed Plans, Records of Decisions, Action Memorandums and Consent Decree negotiations with potentially responsible party (PRPs)
- B. Remedial Design (RD)
- C. Remedial Action (RA)
- D. Quality Assurance/Quality Control Commitment (QA/QC)
- E. Site-Specific Work Plans for Support Agency Assistance

Component A commitments apply to all sites that are in the RI/FS stages (most commitments continue through the subsequent superfund process specified in Components B and C) and include review of records of decision (RODs) and negotiation of consent decrees. All Clark Fork River Basin (CFRB) NPL sites are now past the RI/FS stage but many of the Component A commitments remain relevant. Components B and C commitments apply to all sites or operable units (OUs) in the RD and RA phases. Component E commitments only apply to sites requiring those site specific work products.

#### **Component A - RI/FS or EE/CA Activities**

##### **Commitment 1 - Review RI/FS Documents**

Outputs: Review and prepare written comments and recommendations on EPA, EPA contractor, or potentially responsible party (PRP) work products during the RI/FS phase including:

- a. Preliminary planning document, including draft SOW (work) plans, draft administrative orders, draft quality assurance project plans, draft sampling/analysis plans, and draft health/safety plans;
- b. Draft/final RI/FS reports, including draft public health evaluations, endangerment assessments, interim technical memoranda, work amendments, contractor progress reports, data analysis, data evaluation, and public comments on the draft studies; and
- c. Draft/final records of decision and action memoranda.

##### **Commitment 2 - Maintain Project Files**

Outputs: Review and compile site information from the files of appropriate local, state, and federal agencies, and from PRPs. Update site files as new data, correspondence, and work products become available. Provide access to site files as requested by EPA, their contractors, the public, site owners/operators, legislators, officials and potentially responsible parties, as appropriate. Provide secure storage for confidential files.

##### **Commitment 3 - State Legal Requirements**

Outputs: Provide written summaries identifying state applicable or relevant and appropriate requirements (ARARs) specifying state environmental statutes and regulations for each response action. Review EPA's federal ARARs designations and discuss the integration of state ARARS into remedial decision requirements.

#### Commitment 4 - Community Relations

Outputs: Review and prepare written comments on EPA or PRP community relations work products, including draft community relations plans, draft fact sheets and draft press releases. Prepare verbal or written responses to requests for site information from the public, legislators/officials, site owners/operators, contractors, and PRPs. Provide state assistance in the preparation or revision of site community relations plans. Attend public meetings and briefings to discuss draft RI/FS studies, site information, progress, and policies, as appropriate.

#### Commitment 5 – Quarterly Progress Reports

Outputs: Develop and submit to EPA progress reports of site specific expenditures and activities.

#### Commitment 6 - Site Visits

Outputs: Conduct site visits during periods of RI/FS field activities. Participate in periodic site inspections during RIs to observe trial runs of equipment, contractor progress, and aspects that affect project acceptance. Prepare written summaries of observed activities, comparing them to final preliminary planning outputs, site management plans, construction plans and specifications, and work completion schedules.

#### Commitment 7 - Consultation and Meetings

Outputs: Consult and meet with State staff, EPA, and EPA contractors, to discuss State comments on work products, State requirements, and RI/FS progress, including preliminary planning discussions, Proposed Plan and ROD development, technology transfer, interim design, contractor selection, preconstruction activities, and project pre-acceptance issues. Prepare and distribute written summaries of these meetings as appropriate.

#### Commitment 8 - PRP Discussions

Outputs: Participate with EPA in the development of PRP enforcement strategy. Review and prepare written comments on enforcement work products, enforcement activity, and the RI/FS processes. Prepare and distribute written summaries of these meetings.

#### Commitment 9 - Access

Outputs: Assist EPA in gaining access to sites to perform RI/FS activities, by helping to negotiate easements and access agreements with site owners/operators.

#### Commitment 10 - Training

Outputs: Receive EPA authorized training or required training for site-specific activities (e.g. risk assessment, lead in soils/wastes workshops, soils reclamation of mining/smelting sites, stream bank reconstruction, etc).

#### Commitment 11 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost-recovery documentation, legal research, outreach to local and federal agencies, general administration and clerical support.

#### Commitment 12 – ATSDR

Outputs: Coordinate and communicate with the Agency for Toxic Substances and Disease Registry on reviews of their public health evaluation activities and reports.

#### Commitment 13 – Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the conduct of Superfund RI/FSs or EE/CAs.

### **Component B - RD Activities**

#### Commitment 1 - Cooperative Agreements or State Superfund Contract (SSC)

Outputs: Negotiate and sign cooperative agreements or SSCs identifying agreed upon requirements for determining EPA RA costs and the State's required matching share.

#### Commitment 2 - Review RD Documents

Outputs:-Review and prepare written comments and recommendations on EPA or PRP work products during the RD phase including:

- a. RD work plans and sampling plans;
- b. Review of data analysis, data summary reports and technical memorandums;
- c. The preliminary (30 percent complete), intermediate (60 percent complete), pre-final (95 percent complete), and final RDs;
- d. Contractor progress reports;
- e. Draft construction specifications;
- f. Value engineering screening submittal;
- g. Draft operations and maintenance plans; and
- h. Draft bid request documents.

#### Commitment 3 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost recovery documentation, legal research, and liaison with local and federal agencies, general administration and clerical support.

#### Commitment 4 - Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the development of Superfund Remedial Designs.

### **Component C - RA Activities**

#### Commitment 1 - Review RA Documents

Outputs - Review and prepare written comments and recommendations on EPA or PRP work products during the RA phase including:

- a. Contractors' bid responses;
- b. Construction status and planning meetings;
- c. Construction oversight, progress reports, proposed change orders and claims;
- d. Pre-final and final inspection reports;
- e. Construction completion documentation; and

f. Draft delisting documents (for site removal from the NPL).

#### Commitment 2 - Conduct Field Inspections

Outputs: Make field visits to support oversight of progress on implementation of remedial action measures to ensure compliance with decision documents, design requirements, and as necessary, appropriateness for state assumption of O&M responsibilities.

#### Commitment 3 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost recovery documentation, legal research, and liaison with local and federal agencies, general administration, and clerical support.

#### Commitment 4 - Community Relations

Outputs: Review and prepare written comments on EPA or PRP community relations work products, including draft fact sheets and draft press releases. Prepare verbal or written responses to requests for site information from the public, legislators/officials, site owners/operators, contractors, and PRPs. Attend public meetings and briefings to discuss RA status, site information, progress, and policies, as appropriate.

#### Commitment 5 - Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the development of Superfund Remedial action.

### **Component D - Quality Assurance/Quality Control**

#### Commitment 1 – Follow EPA Quality Management Procedures

Output 1: For DEQ lead sampling investigations, DEQ will use EPA-approved Quality Assurance guidance.

#### Commitment 2 – Develop Quality Assurance Project Plans

Outputs: DEQ will develop QAPPs as specified in EPA QA/R-5, EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations. DEQ will establish Data Quality Objectives to clarify the study objectives, define the most appropriate types of data to collect, determine the most appropriate conditions under which to collect the data, and specify the level of uncertainty that is acceptable as the basis for establishing the quantity and quality of data needed. The EPA must approve and sign all QAPPs before data collection. DEQ will provide thirty days for EPA to review and comment upon the QAPP unless the agencies agree to a different period.

Outcome: Define state adherence to established and defined quality assurance processes for Superfund RI/FS AND RD/RA.

### **Component E - SITE-SPECIFIC WORK PLANS FOR SUPPORT AGENCY ASSISTANCE**

#### ***COLUMBIA FALLS ALUMINUM REDUCTION PLANT***

This site was proposed for NPL listing in March 2015 and while the known concentrations of contaminants may not necessitate an emergency response at this time, further investigations and meetings with EPA and the PRPs is necessary prior to determining if the site should be listed on the

NPL. During SFY 2015, PA/SI funding was being used to fund DEQ's staff time and travel while working on the site and the State of Montana does support NPL listing for this site.

Hazardous wastes produced at the facility include halogenated and non-halogenated solvents, fluoride, cyanide and some heavy metals. Shallow groundwater sampled at the site had elevated concentrations of fluoride and cyanide and these contaminants may be migrating into the Flathead River. DEQ is providing management assistance support for Components A and D. The EPA and the PRP group entered into an AOC in December 2015. Site RI/FS activities will now increase and the DEQ level of effort on this project will also increase to assist EPA with the RI/FS activities.

DEQ is now requesting site-specific funding for staff hours, travel expenses, and that cost recovery documentation may begin at the site in SFY 2016. The funding source will convert from Bulk funding to a Special account funding source. We suggest making this transition at the end of the State's third quarter, March 31, 2016

#### Site-Specific Activities

DEQ will provide management assistance support to EPA for Components A and D.

1. Provide support agency management assistance to EPA for RI/FS activities, including site visits, sampling oversight, review of progress reports, plans, and other documents and tracking schedules.
2. Review and comment on deliverables including the RI/FS work plans and reports.
3. Attend technical, legal, and public meetings.
4. Attend Milestone meetings for the RI/FS.
5. Participate in community involvement activities including review of fact sheets and other informational materials, and respond to public inquiries.
6. Provide legal review including:
  - a. Review legal adequacy of RI/FS statement of work, and subsequent work plan reports;
  - b. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities;
  - c. Review RI/FS draft documents and reports.

#### Travel

Travel estimates include approximately six trips for DEQ staff and management for site visits, technical, coordinating, and public meetings at approximately 500 miles per trip. DEQ does not anticipate any out of state trips.

### ***FRENCHTOWN MILL***

The Frenchtown Mill Site formerly the Smurfit-Stone Mill was a large integrated pulp and paper mill that operated from late 1957 through early 2010. The former mill is located 11 miles northwest of the city of Missoula, in Missoula County, Montana, and covers approximately 3,200 acres. The mill is located approximately three miles south of the town of Frenchtown and, therefore, has often been referred to as the Frenchtown Mill.



The EPA completed a site assessment at the Frenchtown Mill in Missoula County in November 2012. The assessment revealed elevated levels of dioxins, furans and metals, including manganese, arsenic, lead, barium and cadmium in a series of soil samples collected from sludge ponds and wastewater holding ponds. Low level PCBs were also detected in some of the soil samples.

Analytical results indicate dioxins and furans and possibly PCBs have migrated to the sediment of the Clark Fork River. Shallow groundwater sampled at the site had elevated concentrations of dioxin and furan congeners, and metals including manganese and arsenic. In 2013 the State issued a fish consumption advisory for the Clark Fork River near the site after elevated levels of dioxins and PCBs were detected in fish tissue. While the concentrations of contaminants do not necessitate an emergency response, further investigation is necessary prior to determining if, and what type of cleanup is needed. DEQ will provide management assistance support for Components A and D. If the site is listed then the DEQ level of effort on this project will have to increase to assist EPA with the RI/FS activities.

In SFY 2015 the project transitioned from PA/SI to initiation of the CERCLA RI/FS project. DEQ will be the support agency to EPA and the new work will include project scoping, work plan development, development of Remedial Investigation SAP, FSP, QAPP, HSP, Community Involvement Plans, Risk Assessments and other required RI supplemental reports. Field activities are anticipated in of 2015 with the onset of new work plans and PRP identification. Additional hours are included for Division Administrator, Bureau Chief and Legal Manager and DEQ support staff.

The EPA and the PRP group entered into an AOC in December 2015. Site RI/FS activities will now increase and the DEQ level of effort on this project will also increase to assist EPA with the RI/FS activities.

DEQ is now requesting site-specific funding for staff hours, travel expenses, and that cost recovery documentation may begin at the site in SFY 2016. The funding source will convert from Bulk funding to a Special account funding source. We suggest making this transition at the end of the State's third quarter, March 31, 2016

#### Site-Specific Activities

DEQ activities include Component A and D.

1. Provide support agency assistance for RI/FS activities, including site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Review and comment on RI/FS documents including draft and revised sampling and analysis plans, correspondence, activities, and documents.
3. Review Quality Assurance and Quality Control plans.
4. Attend technical, legal and public meeting.
5. Participate in community involvement activities including review of fact sheets and other information material, and respond to public inquiries.

#### Travel

Travel estimates include approximately ten trips for DEQ staff and management for site visits, technical, coordinating, and public meetings at approximately 250 miles per trip. DEQ does not anticipate any out of state trips.